

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Advanced Reimbursement Solutions LLC,

10 Plaintiff,

11 v.

12 Spring Excellence Surgical Hospital LLC, et
13 al.,

14 Defendants.

No. CV-17-01688-PHX-DWL

ORDER

15 On August 22, 2018, the Court issued an order staying this matter because one of
16 the parties, Defendant Joanna Davis (“Davis”), was involved in bankruptcy proceedings in
17 Texas. (Doc. 165.) It was the Court’s understanding, at the time this order was issued, that
18 the parties were in the process of seeking an order from the bankruptcy judge in Texas that
19 would authorize a lift of the stay. *Id.* Thus, the Court ordered the parties “to notify the
20 Court within ten days after the bankruptcy stay has been lifted so a conference call can be
21 scheduled to set new deadlines.” *Id.*

22 The parties have now filed a series of pleadings (Docs. 171, 172, and 176)
23 addressing recent developments in the Texas bankruptcy case. Unfortunately, those
24 pleadings reveal a factual disagreement about what has occurred. According to Plaintiff
25 Advanced Reimbursement Solutions LLC (“ARS”), the Texas bankruptcy judge
26 authorized a lift of the stay “for the limited purposes of: (a) allowing the parties to the
27 District Court Case to conduct discovery, including deposing the Debtor, and (b)
28 authorizing the District Court to rule on ARS’s Motion for Partial Summary Judgment

1 currently pending in the District Court Case.” (Doc. 171-1 at 3.) Meanwhile, Defendant
2 Spring Excellence Surgical Hospital LLC (“SESH”) contends the Texas bankruptcy judge
3 only authorized a lift of the stay with respect to SESH’s pending motion (Doc. 149) to
4 transfer this case to Texas. (Doc. 172 at 4 [“[T]he SESH Orders authorize stay relief first
5 as to the venue transfer motion while expressly prohibiting discovery as to the Debtors.”].)

6 As the stay-related pleadings were being filed, there was another significant
7 development: ARS and Davis filed a stipulated motion to dismiss Davis as a defendant in
8 this case. (Doc. 173.) On November 19, 2018, the Court issued an order granting this
9 motion and dismissing as to Davis. (Doc. 175.)

10 The Court finds that, because Davis has now been dismissed as a party, there is no
11 need to resolve the parties’ dispute about the scope and nature of the recent order(s) issued
12 by the Texas bankruptcy court. The Court’s August 22, 2018 stay order was premised on
13 Davis’s status as a party. Because she’s no longer a party, the stay should be lifted in all
14 respects.

15 Accordingly,

16 **IT IS ORDERED** that the stay imposed on this case (Doc. 165) is lifted.

17 **IT IS FURTHER ORDERED** that the response to the Motion to Transfer Venue
18 (Doc. 149) is due by December 21, 2018. The Reply is due within the time set by the Local
19 Rules.

20 **IT IS FURTHER ORDERED** that an Order setting a further Rule 16 conference
21 before the undersigned will follow.¹

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ¹ To the extent the parties seek to conduct this conference telephonically, that request is denied.

1 **IT IS FURTHER ORDERED** that the Court will not set a deadline for SESH to
2 file a response to the Motion for Partial Summary Judgment (Doc. 97) until after hearing
3 from the parties, at the Rule 16 conference, concerning whether additional discovery and
4 depositions are needed for SESH to prepare its response.

5 Dated this 7th day of December, 2018.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A handwritten signature in black ink, appearing to read 'DL', is written over a horizontal line.

Dominic W. Lanza
United States District Judge